



**GENERAL SPECIFICATION FOR
THE MANAGEMENT OF EXCESS MATERIALS**

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180.01 SCOPE

This specification covers requirements for the management of excess materials.

Where the management of excess material requirements of other Ontario Provincial Standard Specifications differs from this specification, the requirements of this specification will take precedence.

180.01.01 Specification Significance and Use

This specification has been developed for use in provincial-oriented Contracts. The administration, testing, and payment policies, procedures, and practices reflected in this specification correspond to those used by the Ontario Ministry of Transportation.

Use of this specification or any other specification shall be according to the Contract Documents.

180.01.02 Appendices Significance and Use

Appendices are not for use in provincial contracts as they are developed for municipal use, and then, only when invoked by the Owner.

Appendices are developed for the Owner's use only.

Inclusion of an appendix as part of the Contract Documents is solely at the discretion of the Owner. Appendices are not a mandatory part of this specification and only become part of the Contract Documents as the Owner invokes them.

Invoking a particular appendix does not obligate an Owner to use all available appendices. Only invoked appendices form part of the Contract Documents.

The decision to use any appendix is determined by an Owner after considering their contract requirements and their administrative, payment, and testing procedures, policies, and practices. Depending on these considerations, an Owner may not wish to invoke some or any of the available appendices.

180.02 REFERENCES

When the Contract Documents indicate that provincial-oriented specifications are to be used and there is a provincial-oriented specification of the same number as those listed below, references within this specification to an OPSS shall be deemed to mean OPSS.PROV, unless use of a municipal-oriented specification is specified in the Contract Documents. When there is not a corresponding provincial-oriented specification, the references below shall be considered to be to the OPSS listed, unless use of a municipal-oriented specification is specified in the Contract Documents.

This specification refers to the following standards, specifications, or publications:

Ontario Provincial Standard Specifications, Construction

OPSS 206 Grading
OPSS 209 Swamp Excavation

Ontario Provincial Standard Specification, Material

OPSS 1004 Aggregates - Miscellaneous

Canadian and Provincial Statutes

Environmental Protection Act, R.S.O. 1990, c.E.19 & R.R.O. 1990, Regulation 347
Transportation of Dangerous Goods Act, 1992, S.C. 1992, c. 34
Fire Protection and Prevention Act, 1997, S.O. 1997, CHAPTER 4

180.03 DEFINITIONS

For the purpose of this specification, the following definitions apply:

Bituminous Pavement means any combination of asphaltic material and aggregate, excluding asbestos modified asphaltic material.

Commercial Waste means waste described as commercial waste in Regulation 347, under the Environmental Protection Act, Ontario.

Concrete means concrete mixtures produced with Portland cement and may include blended hydraulic cement, supplementary cement materials, spent debris and silica sand abrasive blasting media from abrasive cleaning of concrete and reinforcing steel, and concrete brick and block and associated mortar. It may include embedded steel and excludes asbestos modified Portland cement concrete mixtures.

Disposable Fill means excess material other than that disposed of at a certified disposal site and that is managed in berms and mounds and as fill other than in road embankments.

Earth means earth as defined in OPSS 206.

Excess Material means material removed under the Work specified in the Contract Documents for which management is not specified and includes surplus and unsuitable materials.

Fabricated Metal and Plastic Products means metal and plastic products such as culverts, fence materials, and guide rails. It does not include containers, other packaging materials, storage tanks, septic tanks and ancillary equipment associated with sanitary sewage systems, septic systems, and fuel or lubricant dispensing and storage systems.

Groundwater means subsurface water and water that occurs beneath the water table in soils and rock formations that are fully saturated.

Manufactured Wood means wood that is not entirely natural wood.

Masonry means clay brick and associated mortar.

Natural Wood means stumps, trunks, branches, debris from tree and shrub removal, and wood products that are not treated, coated, or glued.

Non-Hazardous Solid Industrial Waste means waste described as non-hazardous solid waste in Regulation 347, under the Environmental Protection Act, Ontario.

Re-Use means using, processing, re-processing, or recycling of excess material into a construction material or other useful product and managed by these means for the Contract and other work.

Rock means rock as defined in OPSS 206.

Subject Waste means waste defined as subject waste in Regulation 347, under the Environmental Protection Act, Ontario.

Swamp Material means swamp material as defined in OPSS 209.

Waste means excess material that is not managed by re-use, open burning, or as disposable fill and includes any excess material.

Waterbody means waterbody as defined in OPSS 182.

180.04 DESIGN AND SUBMISSION REQUIREMENTS

180.04.01 Submission Requirements

180.04.01.01 Notification of Site Selection, and Property Owner Release

A copy of the completed MTO form PH-CC-181, Site Selection Notification for Stockpiling Materials Managed Through Re-Use, or MTO form PH-CC-182, Site Selection Notification for Material Managed as

Disposable Fill or both shall be submitted to the Contract Administrator and the property owner at least two weeks prior to the use of the property. These forms are not required for property owned by the Owner or designated for use in the Contract Documents.

At the completion of such work, a completed copy of the MTO form PH-CC-183, Property Owner's Release, shall be provided to the Contract Administrator.

180.04.01.02 Verification of Management by Disposal as Non-Hazardous Solid Industrial or Commercial Waste

When excess material is managed by disposal as non-hazardous solid industrial or commercial waste, a copy of the weigh ticket or receipt provided by the disposal site operator shall be submitted to the Contract Administrator on a weekly basis. When such documentation is not available, written confirmation that the waste has been received shall be obtained from the operator of the disposal site and submitted to the Contract Administrator within two weeks after disposal activities are complete.

Within three weeks of the completion of all disposal activities associated with the work, a completed copy of the MTO form PH-CC-184, Waste Quantity Report, shall be submitted to the Contract Administrator and shall account for all excess material managed by disposal as solid non-hazardous industrial or commercial waste.

180.04.01.03 Notification of Forest Resource Licensees

Forest resource licensees identified in the Contract Documents shall be notified at least two weeks prior to commencement of open burning.

180.04.01.04 Environmental Compliance Approval

When Environmental Compliance Approval(s)/Certificates of Approval for a Waste Management System or a Waste Disposal Site are required, a copy of such approval shall be submitted to the Contract Administrator prior to transporting excess material or waste from the Working Area.

180.04.01.05 Subject Waste Documentation

For each subject waste specified in the Contract Documents that is being shipped from the Working Area to a waste disposal site, the following shall be completed:

- a) The Contract Administrator shall be notified at least two weeks prior to the first shipment of subject waste, and at least 24 hours prior to each subsequent shipment of subject waste.
- b) A Regulation 347 manifest with Part B completed by the carrier for each truckload of subject waste, shall be submitted to the Contract Administrator for Part A completion. Copies #1 and #2 of the manifest with Part A and B completed shall be retained by the Contract Administrator and the remaining copies #3 to #6 returned to the carrier.
- c) Copy #6 of the Regulation 347 manifest shall be submitted to the Contract Administrator at the mailing address indicated on Part A of the manifest, within four weeks of the shipment of subject waste from the Working Area.

For each subject waste that is generated by the Contractor's operations and that is not specified in the Contract Documents that is being shipped from the Working Area to a waste disposal site, the following documentation shall be submitted to the Contract Administrator.

- a) Prior to shipment of the subject waste:

- i. Test results from testing to determine the Regulation 347 waste class and characteristics of the subject waste from the Canadian Association for Laboratory Accreditation (CALA) accredited laboratory selected by the Contractor;
- ii. Notification from the Ministry of the Environment and Climate Change (MOECC) Hazardous Waste Information Network (HWIN) of the registration of the subject waste to obtain a Regulation 347 Generator Registration Number (GRN); and
- iii. A duplicate of Copy #2 of the Regulation 347 manifest with Parts A and B completed and signed by the generator and carrier respectively.

b) After shipment of the subject waste:

- i. Notification of payment of all registration, manifest, and tonnage fees associated with the shipment from the MOECC HWIN;
- ii. A duplicate of Copy #6 of the Regulation 347 manifest with Part C completed and signed by the receiver; and
- iii. Notification of de-activation of the Regulation 347 GRN in the MOECC HWIN.

A record of all test sample numbers and sample dates shall be kept and submitted to the Contract Administrator upon request.

180.04.01.06 Excess Material Audit or Inventory Document

When an excess material audit or inventory is imposed by statute or is a condition specified in the Contract Documents, a copy of the audit or inventory documents shall be provided to the Contract Administrator.

180.04.01.07 Alternative Management Condition Approvals

When certain excess material is to be managed according to the conditions approved in writing by the local District office of the MOECC and such conditions differ from those specified in Table 1, a copy of such approval shall be submitted to the Contract Administrator at least two weeks prior to commencement of the work governed by the condition.

180.07 CONSTRUCTION

180.07.01 Conditions on Management of Excess Material - General

Management of excess material shall be as described in Tables 1 and 2 and the appropriate subsections of this specification, unless prior alternative management conditions are approved in writing by the MOECC.

When an excess material is a mixture of materials, it shall be managed in compliance with the most stringent conditions associated with any of the constituent excess material.

When excess material includes asbestos waste, the asbestos waste shall be managed as specified in the Contract Documents.

Excess materials shall not be permitted in waterbodies, and environmentally sensitive areas as identified in the Contract Documents, except when re-used according to the appropriate Ontario Provincial Standard.

180.07.02 Conditions on Management by Re-Use

Management of excess material by re-use for incorporation into the Work or for other designated re-use shall be as specified in the Contract Documents.

Management by re-use shall otherwise be outside the Owner's property.

Distance separations described in Table 2 do not apply for the following:

- a) Re-use of excess materials for the same purpose.
- b) Re-use of bituminous pavement, concrete, and masonry within a road right-of-way.
- c) Re-use of concrete as aggregate in bituminous pavement.
- d) Re-use of concrete as rip-rap, gabion stone, or rock protection according to the requirements of OPSS 1004.

Except cutting for construction purposes, excess material consisting of manufactured wood shall not be reprocessed.

180.07.03 Conditions on Management as Disposable Fill

Management of excess material as disposable fill, including sidecasting of swamp material, within the Owner's property and on other property designated in the Contract Documents shall be as specified in the Contract Documents.

Natural wood and debris from open fires may be managed as disposable fill only within a road right-of-way or on property with a boundary common to a road right-of-way, both within the Contract limits.

Such material shall be top covered by at least 300 mm of earth or topsoil.

180.07.04 Conditions on Management by Open Burning

Management of excess material by open burning is permitted only when specified in the Contract Documents. Where management by open burning is permitted, it shall be subject to the following conditions and conducted according to the Fire Protection and Prevention Act, 1997 where it applies, and with any applicable, local, municipal by-law(s):

- a) A permit from the Ministry of Natural Resources and Forestry (MNRF) under the Fire Protection and Prevention Act, and/or applicable local or municipal by-law shall be obtained by the Contractor for open burning, as required.
- b) Open burning is prohibited in areas subject to a restricted fire zone order as issued by MNRF or to a smog alert advisory as issued by MOECC.

180.07.05 Conditions on Management by Disposal as Non-Hazardous Solid Industrial or Commercial Waste

Management of excess material by disposal as non-hazardous solid industrial or commercial waste at receiving sites designated in the Contract Documents shall be as specified in the Contract Documents.

When receiving sites are not specified in the Contract Documents for management by disposal as non-hazardous solid industrial or commercial waste, such material shall be disposed of at sites identified by the Contractor.

Non-hazardous solid industrial or commercial waste shall be transported from the Working Area directly to a site that has an Environmental Compliance Approval/ Certificate of Approval for a Waste Disposal Site that is valid for non-hazardous solid industrial or commercial waste.

180.07.06 Conditions on Management by Stockpiling

Management of excess material by stockpiling within the Owner's property and on other property designated in the Contract Documents shall be as specified in the Contract Documents.

Stockpiling shall otherwise be outside the Owner's property.

Stockpiles of bituminous pavement, concrete, and masonry shall be separated according to Table 2 unless either of the following occurs:

- a) Stockpiles are located within a road right-of-way or on property with a boundary common to a right-of-way, both within the Contract limits for a period not exceeding 120 Days.
- b) Stockpiles are located within a provincial or municipal works yard or in a commercially licensed pit or quarry.

For all other excess materials, where Table 1 indicates that stockpiling is subject to management conditions in Table 2, such management conditions shall only apply to stockpiles that are to be in place for a period exceeding 120 Days.

180.07.07 Conditions on Management by Disposal as Subject Waste

When an excess material is identified as a dangerous goods waste, or a subject waste specified in the Contract Documents, management shall be as follows:

- a) Subject waste shipments shall be manifested and transported directly to a certified waste disposal site.
- b) When the subject waste is also a dangerous good as defined in the Transportation of Dangerous Goods Act (TDGA), the carrier shall provide all necessary TDGA labels and placards.

When an excess material generated by the Contractor's operations may be subject waste and it is not specified in the Contract Documents, the Contractor shall be responsible to manage it according to the following:

- a) Conduct sampling and testing using a laboratory certified by the CALA selected by the Contractor to determine whether it is subject waste and to determine the Regulation 347 waste class and characteristics.
- b) Register all subject waste in the MOECC HWIN and obtain a Regulation 347 GRN for disposal.
- c) Package and label all subject waste for transportation and disposal.
- d) Arrange for shipment of all subject waste to a certified waste disposal site using a certified carrier.
- e) Complete Part A of a Regulation 347 manifest including the GRN obtained from the MOECC HWIN and provide the manifest to the certified carrier for completion of Part B.
- f) Provide a duplicate of Copy #2 of the Regulation 347 manifest to the Contract Administrator with Parts A and B completed and signed.
- g) Pay all registration, manifest and tonnage fees associated with subject waste disposal in the MOECC HWIN.

- h) De-activate the GRN in the MOECC HWIN after shipment of all subject waste to a certified waste disposal site is complete and acceptance of the subject waste is acknowledged by the receiver completing and signing Part C of the Regulation 347 manifest.
- i) Provide a duplicate of Copy #6 of the Regulation 347 manifest to the Contract Administrator upon receipt from the receiver.

When an excess material is tested and found not to be a dangerous good waste or a subject waste, it shall be managed by disposal as Non-Hazardous Solid Industrial or Commercial Waste according to this specification.

180.10 BASIS OF PAYMENT

Payment for the management of excess material shall be included in the tender items requiring such management and shall include all costs associated with acquiring approvals, releases, and agreements.

Payment for the management of excess material that is subject waste generated by the Contractor's operations and not specified in the Contract Documents by the Owner, and is in addition to the cost of disposal as non-hazardous, solid industrial, or commercial waste, shall be administered as a Change in the Work, with provisions subject to testing to verify that the excess material is subject waste.

**Table 1
Excess Material Management Conditions**

EXCESS MATERIAL DESCRIPTION	Subsection in This Specification				
	Conditions on Management by Re-Use	Conditions on Management as Disposable Fill	Conditions on Management by Open Burning	Conditions on Management by Disposal as Non-hazardous Solid Industrial or Commercial Waste	Conditions on Management by Stockpiling
EARTH	Yes	Yes	n/a	Yes	Yes
SWAMP MATERIAL	Yes	Yes TABLE 2	n/a	Yes	Yes TABLE 2
AGGREGATE	Yes	Yes	n/a	Yes	Yes
ROCK	Yes	Yes	n/a	Yes	Yes
BITUMINOUS PAVEMENT	Yes TABLE 2	Not Permitted	n/a	Yes	Yes
CONCRETE	Yes TABLE 2	Not Permitted	n/a	Yes	Yes
MASONRY	Yes TABLE 2	Not Permitted	n/a	Yes	Yes
MANUFACTURED WOOD	Yes	Not Permitted	Not Permitted	Yes	Yes TABLE 2
NATURAL WOOD	Yes	Yes TABLE 2	Yes	Yes	Yes TABLE 2
DEBRIS FROM OPEN FIRES	n/a	Yes TABLE 2	n/a	Yes	Yes TABLE 2
METAL/PLASTIC POLYSTYRENE PRODUCTS	Yes	Not Permitted	Not Permitted	Yes	Yes
SUBJECT WASTE	Subject waste shall be managed as specified in the subsection for Conditions on Management by Disposal as Subject Waste.				
MATERIALS SUSPECTED OF BEING CONTAMINATED	When excess materials that were not generated by the Contractor's operations and are not specified in the Contract Documents, are suspected of being contaminated, direction on their management shall be obtained from the Contract Administrator.				
OTHER MATERIALS	Excess materials that are not listed above shall be managed as specified in the subsection for Conditions on Management by Disposal as Non-Hazardous Solid Industrial or Commercial Waste, unless prior alternative management conditions are approved in writing by the MOECC.				

**Table 2
Excess Material Management Distance Separation Requirements**

Adjacent Feature	Minimum Distance Separation
Groundwater	2 m (Above)
Waterbodies	30 m
Water Wells	100 m
Residences	100 m

**Appendix 180-A, November 2016
FOR USE WHILE DESIGNING MUNICIPAL CONTRACTS**

Note: This is a non-mandatory Commentary Appendix intended to provide information to a designer, during the design stage of a contract, on the use of the OPS specification in a municipal contract. This appendix does not form part of the standard specification. Actions and considerations discussed in this appendix are for information purposes only and do not supersede an Owner's design decisions and methodology.

Designer Action/Considerations

No information provided here.

Related Ontario Provincial Standard Drawings

No information provided here.